

United States District Court
District of New Hampshire

NOTE: This document is intended for internal use by the Clerk's Office staff. The summary below is not comprehensive and is intended to assist staff in computing due dates for responsive pleadings. Counsel and pro se litigants should not rely on the contents of this document and are responsible to consult the Local Rules and Rules of Civil Procedure to determine the responsive pleading deadlines in their cases.

**COMPUTING RESPONSIVE PLEADING DEADLINES CALCULATED FROM THE DATE
OF "SERVICE" UNDER THE LOCAL RULES AND THE FEDERAL RULES OF CIVIL
PROCEDURE¹**

I. RELEVANT FACTORS FOR RESPONSE DATE COMPUTATION

1. METHODS OF SERVICE

- A. Personal service in-hand, at office, or abode. Fed. R. Civ. P. 5(b)(2)(A) & (B)
- B. Service by mail. Fed. R. Civ. P. 5(b)(2)(C)
- C. Service on Clerk of Court if party's address unknown. Fed. R. Civ. P. 5(b)(2)(D)
- D. Other means of service with written consent (including electronic transmission through ECF). Fed. R. Civ. P. 5(b)(2)(E) & (F)

2. DATE SERVICE DEEMED COMPLETED

- A. Personal service in-hand, at office, or abode: upon delivery. Fed. R. Civ. P. 5(b)(2)(A) & (B)
- B. Service by mail: date mailed. Fed. R. Civ. P. 5(b)(2)(C)
- C. Service on Clerk of Court if party's address unknown: upon delivery. Fed. R. Civ. P. 5(b)(2)(D)
- D. Service by electronic transmission with consent: upon transmission. Fed. R. Civ. P. 5(b)(2)(E)
- E. Other means of service with consent: upon delivery. Fed. R. Civ. P. 5(b)(2)(F)

3. COMPUTATION RULES

- A. If responsive time period is stated in days or longer, the date service is deemed completed shall not be included in the computation. Fed. R. Civ. P. 6(a)
- B. If the last day falls on a weekend, legal holiday, or date when the clerk's office is closed, the deadline runs to the end of the next business day. Fed. R. Civ. P. 6(a)
- C. If time period runs from "service" and served by mail, through the Clerk of Court, or by other means with consent (including electronic transfer), add three calendar days. Fed. R. Civ. P. 6(d); LR 6.1. Before adding three calendar days, first calculate the prescribed period using all time-counting rules under Rule 6(a) as set forth in immediate subparagraphs (A), and (B) above.
- D. Do not add three calendar days if time period runs from "filing" or if in-hand service on person, office, or abode. Fed. R. Civ. P. (6)(d); LR 6.1
- E. For both electronic filings as well as paper filings using the 24-hour depository, the last day shall end at midnight local time unless a different time is established by court order. Fed. R. Civ. P. 6(a)(4); LR 6.1.

¹Reference Fed. R. Civ. P. 6(a), (d); LR 6.1. and 7.1(b). This calculation method may not apply to time periods calculated from the date of "filing," LR 6.1, and deadlines established by other Federal Rules, *see, e.g.* Fed. R. Civ. P. 54(d)(2)(B)(filing due "no later than 14 days after entry of judgment").

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CALCULATION OF RESPONSE FROM “SERVICE” WORKSHEET²		
How Was Pleading Served?		IH=In-hand on person, at office, or abode. M=Mail. C=Clerk of Court if party's address unknown. E=Electronic with consent. O= Other means of service with written consent.
When Is Service Deemed Completed?		*If in-hand on person, at office, or abode: date delivered. *If by mail: date mailed. *If on Clerk of Court: date delivered. *If electronic with consent: date transmitted. *If other means with consent: date delivered.
When Does Response Time Commence?		*Begin calculating the response deadline starting on the day after the date service is deemed completed and count using calendar days.
Does the Last Day Fall on a Weekend, Holiday, or Date Court Closed?		*If yes, calculate the deadline as midnight of the next business day.
Was Pleading Served by Mail, on Clerk, Electronically with Consent, or by Other Means with Consent?		*If yes, add 3 calendar days to response deadline after calculate time period under Fed. R. Civ. P. 6(a). If deadline falls on a weekend, holiday, or date the court is closed, calculate the deadline as midnight of the next business day.

²Note this calculation worksheet applies to deadlines stated in periods of days or longer. For deadlines stated in hours, please see Fed. R. Civ. P. 6(a)(2).